



Entered on Docket
August 26, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Ninth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Eagle Meadows Loan**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Eagle Meadows Loan." ("Eagle Meadows Loan") [DE 8568] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Eagle Meadows Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8568] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Eagle Meadows Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Eagle Meadows
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan
10725-02178	1/12/2007	Marshall Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial CIR Fullerton, CA 92835	3,418,022.00	100,000.00
10725-01898	1/9/2007	Massry, Morris	C/O Segel Goldman Mazzotta & Siegel Pc 9 Washington Sq Albany, NY 12205	1,802,040.00	203,055.56
10725-01665	12/9/2006	McKee, Kevin & Pamela	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	500,000.00	300,000.00
10725-00276	9/27/2006	Michael Family Trust Dtd 12/4/03	Alain Michael & Dawn Levy Ttees P.O. Box 4363 Thousand Oaks, CA 91359-1363	180,000.00	100,000.00
10725-02144	1/11/2007	Michael S Freedus Dds Pc Defined Benefit Pension P	2535 Lake Rd Delanson, NY 12053	502,741.84	50,000.00
10725-02037	1/11/2007	Miller Trust Dated 8/13/87	Gary I & Barbara Miller Ttees 2832 Tilden Ave Los Angeles, CA 90064	1,111,366.00	50,000.00
10725-01208	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	100,000.00
10725-00854	11/13/2006	Motto, George J	Joe Laxague Esq Cane Clark LLP 3272 E Warm Springs Las Vegas, NV 89120	550,000.00	50,000.00
10725-02487	6/4/2007	Newby 1984 Family	Trust Dated 3/19/84 C/O C E Newby & Carole Newby Trustees 5209 Elm Grove Drive Las Vegas, NV 89130-3669	345,000.00	101,000.00
10725-01959	1/10/2007	Osherow Trust Dtd 9/11/89	Aaron Osherow Trustee 8025 Maryland Avenue Apt 10-C Clayton, MO 63105	1,088,466.02	75,000.00

EXHIBIT A